

NEVADA IRRIGATION DISTRICT
Administrative Practices Committee

November 6, 2019

SPECIAL MEETING
MINUTES

Committee Members Present: W. Scott Miller, Division III
Ricki Heck, Division I

Committee Staff Members Present: Remleh Scherzinger, General Manager
Greg Jones, Assistant General Manager
Marvin Davis, Finance Manager/Treasurer
Jana Kolakowski, Human Resources Manager
Kris Stepanian, Board Secretary

Public Comment

None

Minutes of the September 4, 2019, Regular Meeting

Approved as submitted.

New Job Description - Project Manager

Keane Sommers, Hydroelectric Manager, presented the item.

The new classification has been developed by staff to ensure projects run smoothly and District Board Policies are met. The Hydroelectric Department has been using a consulting Project Manager since early 2019. The consultant has played a vital role in the transition of the South Yuba Canal, coordination of Hydroelectric Department responsibilities related to the Rollins Valve installation, and standardization of the workflow between the Hydroelectric and Engineering Departments.

As the Job Description was developed, other potential applications for the role were identified in other departments, including Administration and Information Technology. An individual in the Project Manager role would be responsible for tasks such as:

- Developing and controlling project scope
- Managing project cost
- Ensuring project schedules are met
- Providing leadership
- Ensuring project objectives are met
- Planning for projects
- Improving communication with stakeholders
- Identifying and dealing with potential risks as the project unfolds
- Ensuring procurement policies are met

This item is in alignment with the District's Strategic Plan Goal No. 1, as it provides proactive management of the District's physical, financial, and human resources.

Staff has benchmarked the classification against similar positions and designated it at the District's range of B52.

This classification has been designated by the General Manager as belonging to the Unrepresented Professional unit. A job description was sent to AFSCME as a courtesy.

Budgetary Impact: None at this time. This position is currently unbudgeted and unfilled.

Public Comment

None

The Committee unanimously agreed to advance a recommendation to the Board of Directors to approve the proposed new job description – Project Manager. (Consent)

District Policy 5060 – Minutes of Board Meetings

Kris Stepanian, Board Secretary, presented the informational item to review District Policy 5060 – Minutes of Board Meetings.

Section 5060.1.2 of the current policy states that video recordings of regular and special meetings of the Board of Directors will be made and that the video recordings will be kept as the official record of the District.

Upon direction of District Counsel, the Board approved updates to District Policy 5060, making video recordings of the Board meetings the official record and chose action minutes rather than summary minutes to avoid any conflict between the official record and the written minutes. Summary minutes with video recordings could potentially increase the risk of conflicting information or accusations of bias.

Policy 5060 allows for a process that is beneficial to the District, as it provides a complete duplicate record of the meeting, including all discussions in the video recording, and streamlines the actions of the Board within the written minutes. Video recordings of Board meetings and action minutes are both retained as permanent records of the District, pursuant to District Policy 1060 – Records Retention.

Currently, District staff uses audio recordings for the preparation of summary minutes for committee meetings. The audio recordings are not a permanent record of the District, and therefore eliminates the risk of potentially conflicting what was said in the audio recording versus what is written in the summary minutes. Pursuant to District Policy 1030 – Records Retention, audio recordings are retained for a maximum of 30 days or until the written minutes are approved.

Action minutes record the decisions reached and actions taken. They do not record discussions that went into making the decisions. The combined method of video recording as the official record and action minutes are beneficial to the District as they provide a concise written record of Board action and a complete duplicate of the meeting and discussions in their entirety on video recording.

Video recordings with action minutes, are both permanent records of the District and provide a complete record of Board meetings and minimize the possibility of conflicting information. Summary minutes may cost more in staff time to prepare, as more detail goes into the written minutes.

Public Comment

- Peter VanZant, Nevada City
 - o Clarified back-ups are made and stored of digital recordings
- Peter Burns, Grass Valley
 - o Clarified that the items are indexed for ease of locating each item

Establish District Policy 5065 – Minutes of Committee Meetings

Kris Stepanian, Board Secretary, presented the item.

The Administrative Practices Committee discussed developing a District policy for committee meeting minutes on May 1, 2019, and June 5, 2019. Staff was directed to provide an estimate of potential costs for the options discussed. Pricing includes average hourly compensation, and a 3-hour meeting length, which compounds as data is retained.

Video Recording with Action Minutes

Staff Time = 6 hours (288 hours annually @ \$30-)	\$ 8,640.00
Server Space = 311.77 GB annually for video storage	\$ 5,780.22
Total Annual Cost	\$14,420.22
Total 5-year cost	\$72,101.10

Note: Video becomes permanent record

Audio Recordings with Summary Minutes

Staff Time = 4 hours (192 hours annually @ \$30-)	\$ 5,760.00
Server Space = 15.79 GB annually for audio storage	\$ 37.68
Total Annual Cost	\$ 5,797.68
Total 5-year cost	\$28,988.40

Cloud Storage:

The District does not cloud source its data, as doing so would relinquish protection and control to a third party. Data that is solely hosted externally is subject to a number of threats, including data being lost, risk of corruption, reduced protection of data integrity, and future costs by the host. Relinquishing control by cloud sourcing data also poses a

potential risk of the District's ability to comply with District Policy 1060 – Records Retention, potentially compromising reliability of the District's records management and ability to comply with the retention policy.

Free You-Tube for Board Meetings:

The District utilizes You-Tube for its video live-streaming. While it is available after the event on You-Tube and free to the public, the District also maintains its video recordings on a District secured server to comply with its retention policy. Video recordings are an official record of the District and must be protected, managed, and retained by the District, regardless of being accessible on You-Tube, pursuant to District Policy 1060 - Records Retention.

Audio Recordings/Summary Minutes vs. Video Recordings/Action Minutes:

District Policy 5060 - Minutes of Board Meetings, states that the video recordings will be kept as the official record of the District. Action minutes are used in the instance where the video is the official record, to avoid any conflict between the public record and written minutes, as recommended by legal counsel.

Currently, audio recordings are used as a tool for staff to assist in the preparation of summary minutes for committee meetings. Pursuant to District Policy 1060 - Records Retention, audio recordings are retained for a minimum of 30 days, or until the minutes for the meeting in question are approved. This eliminates the risk of two permanent records being in conflict with each other.

In summary:

- Video recordings and action minutes are paired, as they are both permanent records, and the use of action minutes minimizes potential conflict between the official record (videorecording).
- Audio recordings and summary minutes are paired, as the audio recording is only a temporary tool used to gather data, and the summary minutes are retained as permanent records. Therefore, there is only one permanent record, and no risk of conflicting data exists.

Public Comment

- Mike Pasner, Penn Valley
 - o Spoke in support of video recording of Committee meetings the same as Board meetings
- Tracie Sheehan, Foothills Water Network
 - o Spoke in support of video recording of Committee Meetings
- Michael Hill-Weld, Division I resident
 - o Spoke in support of video recording of Committee Meetings

- Peter Burns, Grass Valley
 - o Spoke in support of video recording of Committee Meetings

The Committee did not reach a consensus on the desired method, and staff was directed to present the item to the full Board without a recommendation from the Committee.

Updates to District Policy 3080 – Procurement

Marvin Davis, Treasurer/Finance Manager, presented the item.

Staff and legal counsel addressed the concerns from Directors recommending the following updates to District Policy 3080 – Procurement:

- NID is exempt from the procurement procedures in the Public Contract Code (PCC) when projects are not paid from bonds or limited assessment proceeds. The California Water Codes gives authority to the District to develop procurement policies and procedures.
- The District must follow the PCC when paying for projects from a bond or limited assessment proceeds. In addition, the District must follow the “Sole Source” rules set forth in the PCC and defined in this policy.
- The term “Limited Assessment” is defined in Water Code § 20540 and refers to completed, particular, or emergency assessments. An assessment is a financing mechanism similar to the District’s Cement Hill and Rodeo Flat.
- The use of the District’s professional service and construction contracts are dictated by the type of professional assistance required and the complexity of the construction project.
- The District shall solicit qualified vendors in the construction industry to develop a list of contractors. The list shall be updated annually and used when the District requests vendors for construction jobs. Depending on the qualified vendors on the approved list, the District may solicit additional vendors if necessary. The updated list shall be posted on the Districts website by January 31 of each year.

The Committee discussed the red-lined changes.

Director Heck suggested reducing authority limits for the year 2020.

Staff will continue to work on the proposed changes to the policy, and it will be brought back to the Administrative Practices Committee at a future date.

Centennial Water Supply Project (FATR #7013)

Doug Roderick, Senior Engineer, presented the item.

The Board of Directors approved Resolution 2018-26 on October 9, 2018, limiting the annual expenditure on all CWSP activities to no more than \$2,000,000 in aggregate. The Board then rescinded that resolution after coming out of closed session at the November 14, 2018 Board meeting.

The District is required to maintain a minimum level of due diligence in order to keep Application 5634X01, filed with the State Water Resources Control Board, active. Ongoing work includes a draft environmental impact report (DEIR), alternatives analysis, and AB52 consultation with the three tribes that have requested consultation. Anticipated costs for the 2020 budget year is the following:

District Staff	\$30,000
Consulting work for DEIR	\$200,000
AB52 Consultation	\$300,000
Total	\$530,000*

*Staff costs are not included in the budgeted amount as those costs are budgeted elsewhere.

Staff continues to spend limited time submitting reports to the state, working with tribal groups, and managing the ongoing CEQA work. The \$30,000 is a reduced average cost based on the previous spending on this project. For 2019, the anticipated staff costs are less than \$30,000, but due to potential staff efforts with the AB52 it is prudent to leave this amount in the budget.

The CEQA/NEPA work continues but at a slower pace, given the priority of the project. The current direction is to focus on the alternatives section and continue to ensure the continuity of the environmental field studies.

NID is actively engaged with local tribal groups in the AB52 process. This process has a number of unknowns regarding the needs of the groups and the necessary studies to meet those needs. At this time, it is considered prudent to leave a moderate amount of funding in the project to be able to address tribal requests as we move through the process.

The 2020 budget, approved at the October 23, 2019 Board meeting, for the CWSP is \$500,000.

The District has temporarily suspended all property acquisitions, in large part due to the PG&E bankruptcy. The bankruptcy is anticipated to be completed in June 2020, and at that time, the acquisition suspension could be removed. When this temporary suspension was placed into effect, there were 7 parcels under consideration for acquisition. The values of these properties are currently unknown but must be addressed when

considering a project spending cap. To support those property owners, the Board has acquired properties as a willing seller/willing buyer transaction.

When discussing a spending cap, the committee, and ultimately the Board, need to consider several items. These include costs associated with the development of the EIR and EIS, geotechnical investigations, AB52 consultations, and property acquisitions. As an example, at the current budgeted amount, there would be no funds available to perform additional geotechnical investigations or to acquire additional property should the board decide to continue property acquisition in the future.

No budgetary impact. The 2020 budget for this project is \$500,000, after adoption of the 2020 budget by the Board of Directors on October 23, 2019.

Public Comment

- Tracie Sheehan, Foothills Water Network (FWN)
 - o Inquired about property management expenses
 - o Requested a pause on Centennial spending until the Raw Water Master Plan is complete
 - o Spoke about diligence - District is regularly submitting reports to the state
- Mike Pasner, Penn Valley
 - o Suggested setting cap at \$20,000 to legitimize claim for water rights

The Committee unanimously agreed to advance the item to the full Board to consider implementing a spending cap on the Centennial Water Supply Project (CWSP) without a unanimous consensus or recommendation from the Administrative Practices Committee.

The following item was removed from the agenda: Closed Session - Threat to Public Services or Facilities (Government Code § 54957(a).) Consultation with General manager and District legal counsel on matters posing a threat to the security of essential public services provided by Nevada Irrigation District.

KSt